

AO 91 (Rev. 11/11) Criminal Complaint

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
DEC 12 2023
AT _____ O'CLOCK _____ John M. Domurad, Clerk - Plattsburgh

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

Jonnathan GUAZHIMA-Belesaca,

Defendant.

Case No. 8:23-MJ-727 (GLF)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of December 7, 2023 in the county of Franklin in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1324(a)(1)(A)(ii)

Offense Description

In knowing or reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, the defendant did transport, move and attempt to transport and move aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:


☒ Continued on the attached sheet.


 Complainant's signature

U.S. Border Patrol Agent Adam M. Matott

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: Dec. 12, 2023

 Judge's signature
City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

United States of America v. GUAZHIMA-Belesaca.

This criminal complaint is based on the following facts:

On December 7, 2023, at approximately 2:00 a.m., Burke Border Patrol Agents (BPAs) were advised by Swanton Sector Radio Dispatch (KAD640) of a Buckeye camera activation, showing multiple subjects making an illegal entry into the United States near Chateaugay, NY. BPAs responded to the area at approximately 2:15 a.m. but were initially unable to locate the subjects. At approximately 6:45 a.m., KAD640 reported another Buckeye image, of what appeared to be the same subjects walking near McCormick Road in Chateaugay, NY. McCormick Road is a rural, east-west traveling road that parallels and is less than two miles from the International Boundary with Canada. BPAs responded and conducted surveillance in the area. At approximately 7:45 a.m., BPAs observed a white Ford Bronco pull over to the side of McCormick Road, and saw subjects exit a brushy area and begin approaching the Bronco before running back to the brushy area. The Bronco then departed the area. BPAs followed the Bronco, and could see that there was a driver, front-seat passenger, and at least one subject in the rear seats. Due to the Buckeye camera activations and the observations made on McCormick Road, BPAs conducted a traffic stop on US Highway 11, near Dunkin Donuts in Chateaugay, NY.

BPAs approached the vehicle, identified themselves as Border Patrol Agents, and questioned a driver, front-seat passenger and one rear-seat passenger as to their citizenship and immigration status. The driver, identified as defendant Jonnathan GUAZHIMA-Belesaca, claimed to be an Ecuadoran Citizen with no lawful immigration status in the U.S. The front seat passenger, identified as MPT, claimed to be an Ecuadoran citizen with no lawful immigration status in the U.S. The rear-seat passenger, identified as AVN, claimed to be a Mexican Citizen with no lawful immigration status in the U.S. At that time, those three subjects were arrested and transported to the Burke Station for further records checks, processing, and interviews.

Other BPAs responded to the area where the Bronco had pulled over on McCormick Road, and encountered three subjects hiding in the brush. When asked their citizenship and immigration status, those three all claimed to be Mexican Citizens with no legal right to be in the U.S. One of the three subjects was identified as JSA. Those three subjects were arrested and transported Burke Station for further records checks, processing, and interviews.

At the station, biographical information and fingerprints were entered into Department of Homeland Security databases. Record checks confirmed information previously gathered.

Further vehicle records checks revealed the 2023 Ford Bronco was bearing false plates. VIN records checks on 1FMDE5DH7PLB92800 revealed that the Bronco was reported stolen. It was verified that the Bronco was stolen on September 27, 2023 from Beiner Ford car dealership in Great Neck, NY. The Bronco will be turned over to New York State Police.

JSA was read *Miranda* rights and agreed to answer questions without a lawyer present. In his interview, JSA stated that when he and the other two border crossers were approaching the Bronco, the driver—who BPAs discovered shortly thereafter was defendant GUAZHIMA-Belesaca—told them he would come back for them, because there were cars nearby, and then he left the area without picking up the three people in the brush.

MPT was read *Miranda* rights and agreed to answer questions without a lawyer present. In his interview, MPT stated that when he was driving to the area, GUAZHIMA-Belesaca told him they were going to pick up three people. MPT also gave agents consent to search his phone, where they discovered that GUAZHIMA-Belesaca sent him a map of the pick-up location via text message.